



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.1.17	Subject: SEARCHES AND CONTRABAND CONTROL
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 5
Section 1: Security and Control for Secure Facilities	Effective Date: March 1, 1997
Signature: /s/ Mike Ferriter, Director	Revision Dates: 05/12/98; 06/01/02; 07/26/06

I. POLICY

The Department of Corrections secure facilities will develop, implement, and enforce operational procedures that detect and control the introduction, fabrication, possession, and conveyance of contraband within its facilities and programs.

II. APPLICABILITY

The facilities that include Riverside and Pine Hills Youth Correctional Facilities, Montana State Prison, Montana Women's Prison, Montana Correctional Enterprises, Treasure State Correctional Training Center, and the private and regional facilities contracted to the Department of Corrections.

III. REFERENCES

- A. 53-1-105; *Montana Code Annotated*
- B. 4-4192, -4193, -4194; *ACA Standards for Adult Correctional Institutions, 4th Edition*; 3-JTS-3A-19, -3A-20, -3A-21; *ACA Standards for Juvenile Correctional Facilities, 2003*
- C. *National Commission on Correctional Health Care Standards for Health Services in Prisons, 2003*
- D. *DOC Policies 3.1.3, Logs and Other Record-Keeping Systems; 3.1.4, Perimeter Security; 3.1.5, Entrance Procedures and Detainment of Non-offenders; 3.1.12, Offender Escort and Transport; 3.1.14, Tool Control; 3.1.19, Investigations; 3.1.28, Crime Scene and Physical Evidence Preservation; 5.4.1, Offender Mail*

IV. DEFINITIONS

Facility – Refers to any prison, correctional facility, or correctional training program under Department jurisdiction or contract.

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the facility or program operation and management.

Chief of Security – The staff person, regardless of local title (security major, director of operations), designated by the administrator to manage the facility security program.

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or by those legally charged with the administration and operation of the facility.

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Pat Search – The manual body search of an individual that requires the removal of outer clothing, e.g., coats, hats, gloves; emptying of pockets; and inspection of papers, bags, books, or other carried items.

Strip Search – A visual inspection of an individual’s unclothed body and thorough search of the unworn clothing to detect concealed contraband.

Body Cavity Search – A manual or instrument inspection of an offender’s anal or vaginal body cavities.

Dry Cell Procedures – Procedures for placing and observing an offender in a room or cell without plumbing fixtures or running water to intercept rectally-inserted contraband to prevent its conveyance into the facility.

Reasonable Suspicion Search – The search of person, property, or area where there is a reasonable suspicion that a law or policy has been violated.

V. DEPARTMENT DIRECTIVES

A. General Requirements

1. The administrator will ensure search plans and procedures include the following:
 - a. unannounced and irregularly timed searches of cells, offenders, and offender work areas;
 - b. searches of all vehicular traffic and supplies coming into the institution;
 - c. perimeter searches, including specific areas outside the secure perimeter;
 - d. prohibited use or conveyance of wireless messaging devices inside the secure portion of the facility, unless authorized by the administrator ;
 - e. use of metal detectors at compound entrances and, if used, at entrances into housing units;
 - f. complete search of each cell prior to occupancy by a new offender;
 - g. avoidance of unnecessary force, embarrassment, or indignity to the offender;
 - h. staff training in effective search techniques that protect both offenders and staff from bodily harm;
 - i. use of non-intrusive sensors, e.g., x-ray machines or other techniques, instead of body searches whenever feasible;
 - j. established procedures for offender placement on dry cell status;
 - k. conduct of searches only as necessary to control contraband, recover missing or stolen property, prevent escapes or other disturbances, and ensure staff and offender safety;
 - l. respect for offenders’ personal property; and
 - m. annual review of search procedures with updates as necessary.

B. Documentation

1. Facility procedures will require staff to document all searches, itemize any found contraband, and submit the documentation to the chief of security in accordance with *DOC 3.1.3, Logs and Other Record-keeping Systems*.

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C. Pat Searches

1. All facility procedures will include the following requirements:
 - a. offenders, visitors, and staff are subject to pat searches at any time;
 - b. staff members will pat search individuals of the same gender as themselves except:
 - 1) in emergency situations; and
 - 2) when staffing precludes the use of same gender staff in which case the staff member who searches an opposite gender individual will do so in the presence of at least one additional staff member whenever possible.

D. Strip Searches

1. Facility procedures will outline appropriate strip search requirements and techniques applicable to both offenders and non-offenders.
2. Written procedures will provide that, except in emergency situations, staff of the same gender as the offender will conduct visual body cavity inspections in private and based on a reasonable belief that the offender is carrying contraband or other prohibited material.
3. Reasonable suspicion is not required when offenders return from contact with the general public or from outside the facility.
4. In all cases, trained staff will conduct strip searches and do so in a respectful and dignified manner.

E. Body Cavity Searches

1. Facility procedures will govern the restricted use of offender body cavity searches in compliance with the following requirements:
 - a. only health care providers, excluding *facility* health care providers, will conduct body cavity searches when there is a reason to do so and only with the written authorization of the administrator;
 - b. in such cases, a physician must authorize the instrument or surgical examination of body cavities, including the use of an anal scope or vaginal speculum;
 - c. health care providers must:
 - 1) conduct body searches in private;
 - 2) fully document the search and its results; and
 - 3) forward documentation and authorizations to the offender record.

F. Visitor Searches

1. Staff will identify and search all visitors, volunteers, and vendors in accordance with *DOC Policy 3.1.5, Entrance Procedures*.

G. Area Searches

1. Operational procedures will require frequent searches of all facility areas, which include housing, visiting, and general areas, to prevent serious incidents or escape and uncover contraband.

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2. Facility staff will conduct housing unit searches in a manner that:
 - a. respects offenders' personal property;
 - b. handles offender property judiciously using care not to willfully discard, break, or misplace items; and
 - c. leaves the area as close to the way it was found as possible.
3. Facility staff who damage or destroy personal property will submit a report with the property to the appropriate supervisor.
4. Staff assigned to visiting areas must:
 - a. complete a thorough search of the visiting area immediately before visitors and offenders are permitted in the area; and
 - b. complete a thorough search of the area immediately after visiting hours.
5. Facility staff will conduct thorough general area searches with attention to all areas including, but not limited to :
 - corridors
 - dayrooms
 - storage areas
 - work areas
 - recreation areas

H. Vehicle and Delivery Searches

1. Facility staff will:
 - a. conduct vehicle searches in accordance with *DOC Policies 3.1.5, Entrance Procedures*, and *3.1.12, Offender Escort and Transport*;
 - b. search and escort all vehicles entering and leaving facility grounds to and from their destinations within the secure perimeter;
 - c. search all supplies and food stocks delivered to the facility before allowing offender access to them;
 - d. lock all supplies and food stocks in secure storage prior to use; and
 - e. inspect mail and package deliveries for contraband in accordance with *DOC 5.4.1, Offender Mail*.

I. Contraband Control

1. Facility procedures will instruct staff to intercept movement of weapons and other contraband through:
 - a. use of metal detectors at fixed posts;
 - b. routine and random searches as offenders move from one area to another;
 - c. searches of movable equipment such as utility and food carts; and
 - d. use of dry cell procedures.

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J. Disposition of Contraband

1. Facility procedures will address the discovery, confiscation, reporting, storage, disposal, and record-keeping of contraband.
2. Contraband that may be used as evidence in a court proceeding will be managed in accordance with *DOC 3.1.28, Crime Scene and Physical Evidence Preservation*.
3. Facility procedures must address:
 - a. the confiscation and deposit of intercepted cash in an offender welfare fund; and
 - b. the deposit of any receipts from the sale of contraband in an offender welfare fund to be used for the intended purposes of that fund.

K. Staff Contraband Issues

1. Introduction of contraband by staff will be addressed in accordance with *DOC Policy 3.1.19, Investigations*.

L. Staff Training

1. Administrators will require staff training to include the following procedures:
 - a. proper techniques to detect prohibited items, uncover potential security breaches, and protect both offenders and staff from undue harm;
 - b. use of security equipment such as hand-held and walk-through metal detectors;
 - c. preventive measures and proper safeguards to use during searches, such as methods to avoid the danger of “needle sticks” that may lead to infection;
 - d. proper responses to other potentially hazardous conditions, e.g., that potential explosive devices must not be moved; and
 - e. methods of contraband fabrication, control of raw materials, and offender tool access in accordance with *DOC Policy 3.1.14, Tool Control*.

VI. CLOSING:

Questions concerning this policy should be directed to the appropriate administrator.